## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

| MONSANTO COMPANY and           | ) |                            |
|--------------------------------|---|----------------------------|
| MONSANTO TECHNOLOGY LLC,       | ) |                            |
|                                | ) |                            |
| Plaintiffs,                    | ) |                            |
|                                | ) | Case No. 4:09-cv-00686-ERW |
| VS.                            | ) |                            |
|                                | ) |                            |
| E.I. DU PONT DE NEMOURS AND    | ) |                            |
| COMPANY and                    | ) |                            |
| PIONEER HI-BRED INTERNATIONAL, | ) |                            |
| INC.,                          | ) |                            |
|                                | ) |                            |
| Defendants.                    | ) |                            |

# PLAINTIFFS' MOTION FOR LEAVE TO FILE A BRIEF IN EXCESS OF FIFTEEN PAGES

Plaintiffs, Monsanto Company and Monsanto Technology LLC (collectively "Monsanto"), respectfully request leave of Court allowing Monsanto to file Monsanto's Memorandum in Support of Its Ninth Motion to Compel Production of Withheld Documents and To Reopen Depositions, consisting of 17 pages.

In support of this motion, Monsanto states that the extra pages of Monsanto's memorandum are required to adequately address the issues raised in Monsanto's motion relating Defendants' Second Amended Omnibus Privilege Log.

Dated: May 9, 2011

## Respectfully submitted,

#### HUSCH BLACKWELL LLP

By: /s/ Joseph P. Conran
Joseph P. Conran, E.D.Mo. # 21635MO
joe.conran@huschblackwell.com
Omri E. Praiss, E.D.Mo. # 41850MO
omri.praiss@huschblackwell.com
Greg G. Gutzler, E.D.Mo. # 48893MO
greg.gutzler@huschblackwell.com
Tamara M. Spicer, E.D.Mo. # 54037MO
tamara.spicer@huschblackwell.com
Steven M. Berezney, E.D.Mo. # 56091MO
steve.berezney@huschblackwell.com
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
(314) 480-1500 – telephone
(314) 480-1505 – facsimile

#### WINSTON & STRAWN LLP

Dan K. Webb dwebb@winston.com George C. Lombardi glombardi@winston.com Todd J. Ehlman tehlman@winston.com James M. Hilmert jhilmert@winston.com 35 W. Wacker Drive, Suite 4200 Chicago, IL 60601 (312) 558-5600 – telephone (312) 558-5700 – facsimile

John J. Rosenthal jrosenthal@winston.com Matthew A. Campbell macampbell@winston.com Jovial Wong jwong@winston.com 1700 K Street, N.W. Washington, DC 20006 (202) 282-5000 – telephone (202) 282-5100 – facsimile Gail J. Standish gstandish@winston.com 333 South Grand Avenue Los Angeles, CA 90071-1543 (213) 615-1700 – telephone (213) 615-1750 – facsimile

MCDERMOTT WILL & EMERY Steven G. Spears sspears@mwe.com 1000 Louisiana Street, Suite 3900 Houston, TX 77002-5005 (713) 653-1700 – telephone (713) 739-7592 – facsimile

Attorneys for Plaintiff Monsanto Company and Monsanto Technology LLC

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 9th day of May, 2011, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

Andrew Rothschild, Esq. C. David Goerisch, Esq. Lewis, Rice & Fingersh, L.C. 600 Washington, Suite 2500 St. Louis, MO 63102

Leora Ben-Ami, Esq. Thomas F. Fleming, Esq. Christopher T. Jagoe, Esq. Howard S. Suh, Esq. Jeanna Wacker, Esq. Kaye Scholer LLP 425 Park Avenue New York, NY 10022

Donald L. Flexner, Esq. Hershel Wancjer, Esq. Cynthia Christian, Esq. Robert M. Cooper, Esq. Boies, Schiller & Flexner LLP 575 Lexington Avenue, 7th Fl. New York, NY 10022

James P. Denvir, Esq. Amy J. Mauser, Esq. Boies, Schiller & Flexner LLP 5301 Wisconsin Avenue, N.W. Washington, D.C. 20015

Attorneys for Defendants

/s/ Joseph P. Conran